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Letter dated 15 March 2001 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

At a time when the Security Council is meeting to consider the report of the Secretary-General on the situation between Eritrea and Ethiopia, dated 7 March 2001 (S/2001/202), I wish to transmit, on instructions from my Government, this statement to you and, through you, to all the members of the Council.

Let me express, at the outset, my Government's deep gratitude to the Secretary-General for the undivided attention that he continues to devote to promoting a peaceful resolution of the conflict between my country and Ethiopia. I also wish to take this opportunity to renew my Government's gratitude to our partners in peace for their tireless efforts and, in particular, to all the countries that have contributed observers and troops to the United Nations Mission in Ethiopia and Eritrea (UNMEE).

My Government broadly concurs with the positive note, content and recommendations contained in the current report under consideration. We particularly welcome the Secretary-General's recommendations, in paragraph 53 of his report, for the extension of the mandate of UNMEE until 15 September 2001 and the inclusion of support to the Boundary Commission. I cannot help but appeal to the members of the Council for unanimous approval of these recommendations.

We recognize the enormous progress that UNMEE has achieved under the able leadership of the Special Representative of the Secretary-General. At the same time, it is evident that problems of varying magnitude are bound to crop up from time to time. It is very clear that we are confronted with a number of serious problems at the moment. But I wish to reassure you that my Government remains committed to respecting, fully and rigorously, all the agreements that it has signed. We are accordingly confident that all these problems can and will be resolved if the goodwill and seriousness of my Government is reciprocated by the other party.

Allow me now to highlight a number of points in the report before us that my Government feels have not been addressed adequately.

1. My Government fully agrees with the Secretary-General's characterization of the Temporary Security Zone (TSZ) as "a critical first step to instil confidence, disengage troops and allow both Governments to arrange for the return of refugees and internally displaced persons and revive local economic life". These were precisely the reasons why my Government had been pushing all along for the early

01-28773 (E) 150301

establishment of the TSZ in accordance with the Agreement of 18 June 2000 (S/2000/601). Unfortunately, because Ethiopia did not act in good faith and because it attempted to incorporate huge areas of sovereign Eritrean territory on which it had never set foot, there was a deadlock at the second meeting of the Military Coordination Commission in Nairobi last December. As a result, the United Nations brokered a compromise solution, following consultations with our partners in peace and the leaders of both countries. Eritrea accepted the proposal through a formal letter from Isaias Afwerki, President of the State of Eritrea, to the United Nations on 2 February 2001.

2. Thus, the proposal was not discussed, in any real sense, at the third meeting of the Military Coordination Commission on 6 February in Nairobi, since it was accepted by both parties at the highest levels. Eritrea accordingly takes exception to the statement in the report that insinuates a consensus at the Military Coordination Commission meeting for some adjustment of the TSZ "to take account of reservations expressed by both parties".

3. Eritrea did not receive any "larger scale operational map". The second TSZ map that was given to Eritrea on 14 February 2001 is in fact on the same scale, with the same amount of detail, as the map of the TSZ that was handed over the Special Representative of the Secretary-General to President Isaias on 30 January 2001. The second or substitute map, however, puts additional and large areas of sovereign Eritrean territory outside the TSZ and under the military occupation of Ethiopia for reasons we do not know. We have communicated to you, through our statement earlier (S/2001/204), the grave humanitarian implications of this alteration, which will not only prevent thousands of Eritreans from returning to their homes but also creates new displacements, particularly in the eastern and central sectors. Our findings reveal that 35,000 people in 33 villages live in those areas covering 224 square kilometres. I want to stress that UNMEE did not consult Eritrea on the substitute map.

4. UNMEE was duly informed of Eritrea's objections to these changes on 15 February 2001 by way of a letter to the UNMEE Force Commander from Eritrea's Commissioner on the Commission for Coordination with UNMEE, followed by another letter to the Special Representative of the Secretary-General on 19 February. On 20 and 21 February, the Commissioner informed, verbally at separate meetings, the Deputy Special Representative of the Secretary-General and the Force Commander, respectively, of Eritrea's decision to stop the rearrangement of troops that it had begun in good faith and according to the agreed schedule to underline the gravity of the situation. As the minutes of those meetings show, the Eritrean Commissioner informed the Deputy Special Representative of the Secretary-General that "Eritrea is withholding implementation pending resolution of the complication created by the divergence between the original map we accepted and the substitute map now presented". The Deputy Special Representative of the Secretary-General acknowledged the decision by responding, "I fully understand your position and will convey this to the Special Representative of the Secretary-General". The statement in the report, asserting that Eritrea informed UNMEE of its decision to stop rearrangement of its troops on 1 March 2001, is thus not accurate.

5. The sections of the report on human rights do not reflect fully the actual realities. Eritrea continues to abide by the provisions of the agreements it has signed while this is not the case with Ethiopia. Eritrea did not detain Ethiopian civilians.

Obviously though, there were a few thousands who were trapped as a result of Ethiopia's invasion last May and were compelled to stay in makeshift camps. All these have been assisted now to go back to their country with the involvement of the International Committee of the Red Cross (ICRC). But Ethiopia continues to detain Eritrean civilians in the notorious concentration camp of Dediesa and in six or so localities that were not declared before. ICRC reports show that there are more than 300 Eritreans kept in these camps at this moment. Ethiopia also continues to destroy homes and villages in an act of senseless vandalism in the occupied areas prior to withdrawals.

6. In regard to Eritrea's request for HIV/AIDS testing for UNMEE personnel, we wish to appeal to troop-contributing countries to understand our concern. Eritrea is at the moment engaged in a very rigorous national campaign to prevent the spread of AIDS. It has secured a soft loan of US$ 40 million for this specific purpose. This is moreover not a discriminatory practice targeted at UNMEE, but is a standard national practice that has been in effect since 1993. Routine testing of the Eritrean army is conducted as a matter of policy based on the recognition that the army is one of the most sexually active segments of the population.

7. Eritrea has informed UNMEE that it will cooperate fully and make available not only the detailed maps of planted landmines but also personnel involved in the exercise. The apparent misunderstanding arose on Ethiopia's demands for an exchange of the maps while still occupying the areas concerned. Eritrea's understandable position is legitimate sensitivity about the proposed exchange and the appropriate timing. In Eritrea's view, the provision of the maps can only be done after the redeployment of Ethiopian troops from the TSZ.

8. Ethiopia has challenged one of the Commissioners appointed by Eritrea to the Boundary Commission, Jan Paulsson. Mr. Paulsson meets all of the qualifications set forth in the Algiers Agreement of 12 December 2000 (S/2000/1183) regarding the standard for membership of the Boundary Commission. Ethiopia has based its challenges on unsupported — and flatly false — allegations that Mr. Paulsson was secretly a legal adviser to the Government of Eritrea with regard to the boundary dispute with Ethiopia. We have found Ethiopia's claim to be unreasonable and it will receive due response from our legal team. Eritrea has, in fact, more reasons to challenge the two Commissioners that Ethiopia appointed to the Compensation Commission because of their longstanding ties with the Government of Ethiopia. Indeed, one of them, Peter Malaczuk, is explicitly listed in his law firm's promotional literature as "Special Legal Adviser of the Government of Ethiopia in the war against Eritrea". Eritrea, from the outset, was reluctant to file such a challenge because of its hesitance to take any action that might delay the efficient working of the Compensation Commission.

I wish to conclude this statement by reiterating my Government's unwavering commitment to the implementation of the agreements it has signed.

I should be grateful if you would have the text of the present statement issued as a document of the Security Council.

(*Signed*) Ahmed Tahir **Baduri**
Ambassador
Permanent Representative